

SENATE AMENDMENTS

2nd Printing

By: Anderson of McLennan

H.B. No. 1884

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for certain littering offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42A.304(e), Code of Criminal Procedure, is amended to read as follows:

(e) A defendant required to perform community service under this article after conviction of an offense under Section 352.082, Local Government Code, or Section 365.012, 365.013, or 365.016, Health and Safety Code, shall perform the amount of service ordered by the court, which may not exceed 60 hours [~~of service~~]. The community service must consist of picking up litter in the county in which the defendant resides or working at a recycling facility if a program for performing that type of service is available in the community in which the court is located.

SECTION 2. Section 365.012, Health and Safety Code, is amended by adding Subsection (s) to read as follows:

(s) On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other penalty, to perform community service as provided by Article 42A.304(e), Code of Criminal Procedure.

SECTION 3. Section 365.013, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) On conviction of an offense under this section, the court shall require the defendant, in addition to any fine or other

1 penalty, to perform community service as provided by Article
2 42A.304(e), Code of Criminal Procedure.

3 SECTION 4. Section 365.016, Health and Safety Code, is
4 amended by adding Subsection (c) to read as follows:

5 (c) On conviction of an offense under this section, the
6 court shall require the defendant, in addition to any fine or other
7 penalty, to perform community service as provided by Article
8 42A.304(e), Code of Criminal Procedure.

9 SECTION 5. The changes in law made by this Act apply only to
10 an offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense occurred before that date.

16 SECTION 6. This Act takes effect September 1, 2017.

ADOPTED
VV

MAY 22 2017

Lotay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *L. W. Kelle*

1 Amend H.B. No. 1884 (senate committee printing) in SECTION 1
2 of the bill, in amended Article 42A.304(e), Code of Criminal
3 Procedure (page 1, line 32), following "is located.", by adding the
4 following:

5 A court may credit the amount of community service performed by a
6 defendant under this subsection toward any amount of community
7 service the defendant is ordered to perform under another provision
8 of this code as a result of the defendant's inability to pay a fine
9 or cost imposed in the judgment for the applicable offense.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1884 by Anderson, Charles "Doc" (Relating to the penalties for certain littering offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Health and Safety Code to require a court to order a defendant convicted of littering to perform no more than 60 hours of community service in the county in which the defendant resides. The community service requirement would be in addition to any other applicable fines or penalties related to the conviction. The bill would allow a court to credit the amount of community service performed for littering toward any amount of community service the defendant is ordered to perform for another criminal violation of the Health and Safety Code as a result of the defendant's inability to pay a fine or cost imposed in the judgment. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

According to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, PBO, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1884 by Anderson, Charles "Doc" (Relating to the penalties for certain littering offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Health and Safety Code to require a court to order a defendant convicted of littering to perform no more than 60 hours of community service in the county in which the defendant resides. The community service requirement would be in addition to any other applicable fines or penalties related to the conviction. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

According to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, PBO, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 26, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1884 by Anderson, Charles "Doc" (relating to the penalties for certain littering offenses.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Health and Safety Code to require a court to order a defendant convicted of littering to perform no more than 60 hours of community service in the county in which the defendant resides. The community service requirement would be in addition to any other applicable fines or penalties related to the conviction. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

According to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, PBO, JGA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1884 by Anderson, Charles "Doc" (Relating to the penalties for certain littering offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure and the Health and Safety Code to require a court to order a defendant convicted of littering to perform 60 hours of community service in the county in which the defendant resides. The community service requirement would be in addition to any other applicable fines or penalties related to the conviction. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

According to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, PBO, JGA